AN INQUIRY INTO THE NATURE AND CAUSES OF THE PRESENT DISPUTES BETWEEN THE BRITISH COLONIES IN AMERICA, &c.

[PRICE ONE SHILLING.]

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OF THE

PRESENT DISPUTES

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IN

AMERICA, &c.

America, North

AN INQUIRY INTO THE NATURE AND CAUSES OF THE PRESENT DISPUTES BETWEEN THE BRITISH COLONIES IN AMERICA AND THEIR MOTHER-COUNTRY;

And their reciprocal Claims and juſt Rights impartially examined, and fairly ſtated.

QUID NOSTRAM CONCENTUM DIVIDAT, AUDI.
HOR.

LONDON.
Printed for J. WILKIE, in St. Paul's Church-yard.
M.DCC.LXIX.

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AN INQUIRY INTO THE NATURE and CAUSES, &c.

THE diſputes at preſent ſubſiſting between our Colonies in America and their Mother Country, are as weighty and important in their nature, as they are alarming and formidable in their effects, and of ſo long ſtanding, that every true friend to either cannot help ardently wiſhing they were amicably adjuſted and fairly determined. If the following remarks upon this ſubject, wherein I ſhall endeavour to place it in a new, and, I preſume, a clear point of view, will any way contribute to this end, it will give me real pleaſure; although to conceive the moſt diſtant expectations of ſucceſs from any thing that can be ſaid upon it, will perhaps be a much ſtronger argument

of my benevolence and good wiſhes, than of my prudence or ſagacity. For in a cauſe wherein the intereſts of mankind are ſo nearly concerned, and their paſſions and prejudices ſo deeply engaged, as the preſent, to ſuppoſe that the *ſtill voice* of reaſon and of truth ſtands any great chance to be heard, would indicate no ſmall inexperience of the world. But, on the other hand, to ſuppoſe that a whole nation, however generally under the above unhappy predicaments, is altogether void of candour and ingenuity, would no leſs indicate the ſame inexperience, or elſe, what is much worſe, a great deal of ſelf-depravity.

Peace, harmony and friendſhip, eſpecially between kingdoms, and more emphatically ſtill between the different parts and members of the ſame kingdom, are certainly objects of the higheſt conſequence, never to be deſpaired of, and always to be preſerved and cultivated with the utmoſt application. Whoever promotes theſe deſerves well of his country, and whoever diſturbs or acts in oppoſition to them, is an enemy to it. And even in the purſuit of liberty itſelf, the moſt valuable of bleſſings in this world, certain meaſures are to be obſerved; and

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decency, as it generally is, not wholly to be forgotten or trampled on. For by this means matters are very often puſhed on to extremities, which might otherwiſe be very honourably and equitably adjuſted.

To diſcuſs this ſubject as it ſtands upon the footing of charters and ſtatute laws, is what I do not at preſent intend. For this has been already very copiouſly and ſolemnly done, by perſons no leſs diſtinguiſhed for their abilities than ſtation, with equal preciſion and judgment. But, in my humble opinion, they did not allow themſelves, in handling it, the latitude it would have admitted of, nor conſider it in ſome points of view, which it ſeems to require. But this perhaps was then beſide their purpoſe, and, as the caſe was then circumſtanced, not altogether neceſſary; although to me, in the preſent ſtate of things, a more ample diſcuſſion of it appears indiſpenſible.

Charters may be again explained, ſtatutes enacted, and parliamentary declarations made fifty times over, and yet the public grievances ſtill remain, if their true cauſe is not well underſtood. I do not ſay that this is really the caſe at preſent; but I think the fundamentals

of legiſlation, in what has been hitherto ſaid upon the ſubject, have not been properly attended to, nor examined. To ſupply this defect, therefore, is what I propoſe in the ſequel; not to point out what meaſures we are authorized to take, in virtue of charters, ſtatutes and parliamentary declarations, or even of received cuſtoms, but rather to inquire what in this matter ought to be done, and what prudence and ſound policy dictate, upon the footing of the moſt approved maxims, and true principles of Legiſlation.

We live in an age when the ſciences, in every kind, are arrived at a perfection unknown to former times; it is therefore but reaſonable to expect that our public and moſt ſolemn acts ſhould be proportionably dignified with authentic marks of theſe boaſted improvements. But the misfortune is, where our intereſt is concerned, we meet with ſuch a narrowneſs both of thinking and acting upon every occaſion, as is far from diſtinguiſhing us from the moſt barbarous period of antiquity, or at leaſt from ages that were almoſt perfect ſtrangers to our preſent advantages. If this were not the caſe, the national ſpirit of Great Britain

would

would appear quite different in regard to the matter in debate, from what we now find it. And her infant colonies would obſerve a more obliging and dutiful demeanor towards her, than they ſeem at preſent inclined to do. But directly to the point.

The following eſſay ſhall be founded upon the three following inquiries; Firſt, Whether the colonies ſhould not be allowed to enjoy the ſame political privileges and advantages with the mother-county? Secondly, Whether the frame and model of the Britiſh conſtitution is ſuch, as practically to admit thereof in reſpect of America? And Thirdly, Whether, in caſe that ſhould be found impracticable, ſuch a form of government ſhould not be eſtabliſhed there, as ſhall appear moſt unexceptionable, and will beſt ſecure to the colonies their juſt rights and natural liberties?

The affirmative, in regard to the firſt of theſe queries, requires, one would think, no proof. And yet it is, I believe, what a great majority among us would be very unwilling to admit of in fact, whatever they might pretend to. Colonies we are apt to conſider in the light of factories,

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who are only to contribute to our wealth and aggrandiſement, and are wholly to be regulated and controuled by ourſelves, in ſuch manner as we think will beſt anſwer our preſent deſigns and purpoſes. But herein we are certainly miſtaken. The increaſe of dominions and ſubjects, ſhould only be a proportionable increaſe of wealth and power to the whole empire, and not the aggrandiſement of one part of it at the expence of the other. A large empire, well connected, and equitably governed, has indeed many advantages; not only as it is beſt able to defend itſelf againſt injuries and encroachments from its neighbours, and as it affords a more ample ſupply of the neceſſaries and conveniences of life within its own boundaries, but alſo upon many other accounts, too tedious here to enumerate. But if the different countries or nations which form it, are diſtinguiſhed, from no reaſonable, or, as it often happens, from the moſt unjuſt motives, with a partiality in the laws by which they are governed, diviſions and murmurings, if not actual rebellions, are evidently unavoidable. The more extenſive ſuch an empire is, the weaker it is. For the diviſions and parties in it are the more numerous,

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and conſequently its diſſolution will be the more ſignal and ſpeedy.

An empire therefore ſhould pay equal attention to all its parts; and, if there is any difference, the moſt diſtant demand the greateſt, at leaſt in point of policy, if not of juſtice. For abuſes, more or leſs, will inevitably creep into all governments; and it is in the remoteſt provinces they generally harbour with moſt impunity. And as theſe provinces are always the firſt to revolt, when an opportunity offers, frequently after a ſeries of ill uſage; they therefore moſt certainly ought not to be the laſt attended to, or worſt regulated.

Kingdoms and empires are often ſtyled bodies politic, intimating that every part or member thereof ſhould be ſo connected together, to form the whole, as we ſee they are in natural bodies. The ſame attention and impartiality which is invariably obſerved in guarding or guiding the latter, ſhould no leſs invariably be exerciſed towards the former. And it is from hence they derive their harmony, ſtrength and vigour. And one cannot help wiſhing there were the ſame involuntary ſympathy between the ſeveral

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members of bodies politic, as there is between thoſe of natural ones, ſince moral equity has generally ſo little force to produce it.

It is therefore wholly the effect of the illiberal notions, and partial views of government here complained of, that the trade and manufactures of different provinces are laid under the reſtraints we often ſee them. And, in ſhort, from the ſame unhappy ſource, ſpring moſt of the inequitable laws and inhibitions, to which colonies and the more remote parts of an empire are frequently ſubjected. It would require but a ſmall ſhare of knowledge in the nature of trade and manufactures, fully to prove, and even demonſtrate that, in general, they ſhould lie under as few reſtrictions as poſſible, and, for the ſame reaſons, ſhould be freely allowed to retire and ſettle in whatever provinces of the empire they may be carried on to moſt advantage. But this is a maxim which would be almoſt univerſally conteſted, if not abſolutely rejected in England, as often at leaſt as her intereſt ſhould ſeem to come into competition with that of her colonies. But why they ſhould be denied or envied the natural advantages

tages of their ſituation, I cannot ſee. If Britain herſelf is not immediately thereby benefited, the Britiſh empire, which ought to be conſidered as the ſame thing, moſt evidently is. But we are continually, in this matter, miſtaking our true point of intereſt. Inſtead of ſeeking to collect into this iſland the ſpecie of the whole empire, every channel ſhould be laid open to diffuſe it equally throughout it, which would naturally, in a ſhort time, diveſt the colonies of their preſent ſuperiority, in the article of cheapneſs, over their mother-country. But while money is accumulating in England, in a proportion beyond that of its neighbour nations, our trade muſt inevitably decline. And it is the French, and not our colonies, that we ought to be jealous of. But this may be thought rather a digreſſion, though I cannot view it altogether in that light, if it helps, as I preſume it does, to point out the folly and injuſtice of not treating all the parts and provinces of an empire, with the exacteſt impartiality.

This, upon the foot of nature, is undeniable. For why ſhould not the Americans, though

born in another part of the globe, be entitled, while ſubject to the ſame government, to all the privileges, indulgences and advantages, which are conſidered as the birth-right of thoſe who firſt breathe the air in Great Britain? To diſpute or deny this would be equally ridiculous and abſurd. And in point of policy, as well as equity, I can diſcover no reaſon why they ſhould be abridged of any of them. And even if their loyalty was, upon good grounds, ſuſpected, whatever vigilance or ſeverity might become neceſſary, they ought to be only ſuch as ſhould be agreeable to the practice of England, upon like occaſions; but the current of the laws ſhould not be diverted, or made to run oppoſite to the ſpirit and fundamentals of our conſtitution. To accumulate proofs, in ſupport of what I here aſſert, may juſtly be deemed unneceſſary, and therefore I ſhall immediately proceed to my ſecond propoſition, which was, To inquire whether the frame and model of the Britiſh conſtitution is ſuch, as practically to admit of ſecuring to the colonies the ſame political rights and privileges with the mother-country.

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This to me appears a very material inquiry, although it ſeems but very little attended to, if not wholly overlooked. That it is the nature of ſome governments not to admit of an enlargement of dominions, is clear beyond all doubt. Of this the Spartan conſtitution, in particular, is a noted inſtance. The deſign of Lycurgus in framing it, was only that it ſhould maintain its own independency amongſt the ſtates of Greece, without in the leaſt aiming at the reduction of any of its neighbours. And this end, ſo long as it was preſerved inviolable, it very effectually anſwered. And not only ſo, but it gave the Spartans, while contented with their original limits, a kind of ſuperiority over their neighbours, which, when they attempted to extend them, they were not able to preſerve. It was, in its fundamental principles, notwithſtanding whatever might be vicious or defective in it, one of the freeſt and moſt perfect forms of government in all antiquity. It was compoſed of the three eſtates, not unlike that of Great Britain at preſent; only the conſtitution of the Ephori, whoſe power was not very different from that of the Tribunes at Rome, was annexed to it about

an hundred and thirty years after it was firſt founded by Lycurgus.

But, as free and perfect as it was within itſelf, it was the moſt illiberal in the world for an extenſion of empire. Nothing could be more impracticable, upon the plan and principles of it. Nor could it ever be attempted without actual violation of ſo material a part thereof, as brought on, at length, its final ruin and diſſolution, together with the abſolute reduction and conqueſt of that once brave and heroic people.

Nor was the Athenian conſtitution much better calculated for this purpoſe. By a very impolitic decree, aſcribed to Pericles, it was rendered, in its views and nature, perfectly confined. For by this decree it was declared, that none ſhould be held for natural and true Athenians, but ſuch as had both Athenian fathers and mothers. Through this fatal meaſure the ſtate was not only extremely weakened at home, above one quarter of the citizens being thereby excluded, but was likewiſe quite diſabled from annexing or incorporating any of its conqueſts;

and was therefore obliged to hold them only upon the footing of allies, or of tributary provinces. And the conſequence of this was, as might have been eaſily foreſeen, that all of them, in their turn, ſeized the firſt opportunity that offered, to aſſert their liberty and independence. So long as they were diſtinct people, they had ſtill different and diſtinct views, which could only have been contracted by an actual union with the Athenian commonwealth. And this, in all probability, if it had been ſeaſonably effected, and the nature of the conſtitution had admitted of it, would have rendered her ſovereignty over them laſting and permanent. This very capital error was likewiſe common to the Thebans, and all the Grecian ſtates.

But the Roman government was of a genius more liberal and comprehenſive. The colonies and conqueſts of this wonderful empire, were, to a conſiderable extent, naturalized and incorporated, and had their proper ſhare of weight in the legiſlature. This conſtitution, it is true, when firſt founded by Romulus, was extremely defective and imperfect, as conſiſting only of

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two eſtates, the popular one being wholly excluded. In length of time, however, it became ſo much improved, by the addition of the third eſtate, and other alterations, as to admit, when arrived at the higheſt pitch of perfection, of as much freedom and liberty, as perhaps almoſt any form of government that we read of in ancient hiſtory.

This conſtitution, notwithſtanding, however excellent in itſelf, could not operate with the ſame vigour, and to as good purpoſe beyond a certain ſphere. The more diſtant provinces, how much ſoever of the Roman laws and cuſtoms they might adopt, or were actually introduced and eſtabliſhed among them could not poſſibly enjoy all the privileges and advantages of a citizen of Rome. It was in Italy alone that the people, with the tribunes at their head, could arreſt the conſuls, confirm or aboliſh the decrees of the ſenate, deliberate of peace and war, and decide alliances, treaties of peace, and conventions with foreign ſtates and princes. This was a power which could not poſſibly, in the nature of things, be veſted in different provinces. Nor could it, with any propriety or

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convenience, fall to the ſhare of any other, than that only where the ſeat of empire was fixed. And yet it was upon the full enjoyment and exerciſe of this prerogative, that their freedom and liberty muſt in a great meaſure depend. Beſides, it was in Italy alone they were ſole maſters and arbiters of rewards and puniſhments, and could fix pecuniary mulcts upon ſuch as had been poſſeſſed of the higheſt employments. And, above all, it was here alone they had the ſole right of condemning Roman citizens capitally.

In the provinces and more remote parts of the empire, the governors and preſidents were inveſted with large and extenſive powers, which they very often moſt ſhamefully abuſed. And though in many of them the taxes, levied by the Romans, were frequently much leſs than had been raiſed in them in the time of their independence, yet we find them ſometimes demanded and collected by theſe and other ſuperior officers, in a manner extremely unequal and irregular. Theſe practices, however, were by no means warrantable upon the principles of the conſtitution, which in its frame and model had

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abundantly guarded againſt all oppreſſions of this nature.

For, ever ſince the reign of Servius Tullius, their ſixth and laſt king but one, they had eſtabliſhed among them a regular and equitable method of raiſing and collecting taxes, which they called a *cenſus*, or enrolment, whereby they were required upon oath to regiſter their eſtates, according to their value in money, and likewiſe their names, quality, and employment, together with the name of their parents, their own age, and the names of their wives and children. To this they were alſo required to add the number of their ſervants or ſlaves, ſpecifying the work or ſervice they were employed in; an exact eſtimate of the true value and profits of all which was to be made out, and finally ſettled by the cenſors. And it was agreeably to the amount of this eſtimate the taxes were to be raiſed and collected.

This form of levying taxes, which was the ancient and conſtitutional one, was likewiſe the ſame that was uſually obſerved in the provinces. But an order of the ſenate, or edict

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of the emperor, were the measure of these levies: and sometimes even the base will and direction of the president. The people's consent for this purpose was not at all thought requisite; nor were they herein ever consulted. The Roman liberty could here be but little boasted of. It was not their prerogative, nor yet their privilege to make laws, but humbly to obey. And whenever they thought themselves injured or aggrieved, they could only prefer their complaints to the senate. For it was only from the senate, and not from themselves, they could hope for redress. They were notwithstanding, in general, governed with great equity and moderation; and complaints of this kind were much fewer, than might have been expected from so large and extensive an empire.

They were not however considered as aliens to the commonwealth, but as the children and friends of the republic. And they were allowed, upon the whole, perhaps the best conditions which the nature of their government would admit of. Offices and preferments, both civil and military, were alike open to all;

and none were precluded the higheſt dignities in the ſtate. Rome and her provinces were in this reſpect upon a level: for to ſecure them from revolting, they rightly judged it the beſt means to take into their ſervice the moſt active and ambitious therein, and to reward the moſt deſerving with ſuitable preferment. Thus both the Gauls, in particular, were filled with conſular families. And in this conduct indeed, both their juſtice and their policy, it muſt be acknowledged, were equally conſpicuous. The wiſe maxim of uniting and incorporating, as much as poſſible, all parts of the empire, which they had received from Romulus, they ever afterwards continued. And to this may be juſtly imputed, in a great meaſure, the ſtability and duration of it, whereof they themſelves were perfectly ſenſible.

Theſe few, ſuccinct and curſory remarks, upon the nature of the Grecian governments, may ſerve to ſhew us that ſome conſtitutions are of that kind, as to render colonization or any extenſion of empire, in a manner, wholly impracticable: and thoſe alſo upon that of the Roman, to convince us, that even the moſt

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liberal and comprehenſive form thereof, cannot operate with equal vigour beyond a certain ſphere. For all the privileges and prerogatives of the citizens of Rome, could not poſſibly, in the nature of things, be veſted in the provinces, without an actual ſubverſion of the ſtate. For all governments muſt be drawn to ſome certain point wherein the whole is to centre. Supreme power and authority muſt not, cannot reſide equally every where throughout an empire. For this would rather ſuppoſe abſolute confuſion and anarchy, than any imaginable mode of government. However, as in all free ſtates ſupreme authority is derived from, ſo it ultimately reſides in, the people.

For the laws by which they are governed muſt neceſſarily derive their very exiſtence from them, through the medium of their repreſentatives; kings and princes being only the chief magiſtrates choſen and appointed to ſuperintend the execution of thoſe laws, whereby they themſelves are no leſs bound than their ſubjects. Now the bottom on which a free government is founded, is in its nature juſt as extenſive as the utmoſt limits of the

empire itſelf, from the ſeveral parts whereof one only ſupreme aſſembly of repreſentatives, for making laws, can regularly be formed. If we admit more ſuch aſſemblies than one, the power and authority of all but one muſt neceſſarily be abridged, and brought in ſubordination to one only as ſupreme. For if each aſſembly, in this caſe, were abſolute, they would, it is evident, form not one only, but ſo many different governments perfectly independent of one another. Theſe are, I grant, obvious and known truths; but known truths are not always as generally ſo as they ought to be, much leſs are they as duly weighed and conſidered. And obvious as they are, it was neceſſary for me in this place to premiſe them, in order to ſet my argument in a juſt and proper light.

Now that of Great Britain being exactly the kind of government I have been here ſpeaking of, the abſolute impracticability of veſting the American aſſemblies with an authority, in all reſpects equal to that of the mother country, without actually diſmembering the Britiſh empire muſt naturally occur to every

every one. For all government is founded alike in a ſubordination as well as union of all its conſtituent parts; of which notwithſtanding none can be juſtly excluded its natural and due weight in regulating, as it neceſſarily has in forming the whole. Thus although the Britiſh parliament may indeed with propriety make laws for Britain, yet it cannot with the ſame propriety exerciſe the like power with reſpect to America, while thoſe parts of our dominions are not fairly repreſented in it. Nor, on the other hand, can our colonies make laws for themſelves in their own aſſemblies, without thereby actually declaring themſelves independent ſtates, unleſs what they enact is only of force, ſo long as it is not inhibited or reverſed by the parliament of Great Britain. And while their power ſtands thus limited by a ſuperior authority, whereof they themſelves have no ſhare, they cannot be conſidered as a free people. For they are ſubject to laws and regulations not of their own making, which is the very definition of ſlavery. That they may notwithſtanding be governed with equity, and treated with mildneſs, in a degree not at all inferior to England, is very poſſible, and on

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ſome accounts, by no means improbable, yet ſtill, upon the above footing, their conſtitutional rights and liberties muſt be precarious and uncertain.

And here I cannot help making this remark, that the more free a conſtitution is in its nature, the leſs extenſive it is in its views. For the larger the empire, the more numerous and unwieldy the democratic branch of it neceſſarily becomes. And therefore where divers remote and diſtant countries are united under one government, an equal and fair repreſentation becomes almoſt impracticable, or, at beſt, extremely inconvenient.

But inconveniences, ariſing purely from extent of dominions, where they all lie contiguous upon a continent, are nothing comparable to thoſe where they are divided and parted by ſeas, eſpecially wide oceans like that between us and America. A parliament or diet might be convened from all parts of Germany, for example, at any particular city therein, without any extreme difficulty, even on a few weeks notice, notwithſtanding the

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vaſt extent of that country. Nor, ſhould we ſuppoſe France alſo annexed thereto, would the thing be at all impracticable. But ſhould we carry our ſuppoſition much farther, the inconveniencies attending ſuch long journeys would be very great, although not interrupted by water. This, however, would not be nearly ſo difficult as to convene a parliament partly from Europe and partly from America, which yet, in the preſent caſe, is certainly neceſſary to render government equal to all the ſubjects of the Britiſh crown. For the nature of our conſtitution is evidently ſuch as abſolutely requires a general and impartial repreſentation; which, notwithſtanding, cannot be ſuppoſed to exiſt, ſo long as American members are not admitted to ſit in the Britiſh ſenate. Hence therefore appears the ſtubbornneſs and inflexibility, if I may ſo call it, of the genius of our conſtitution, although in itſelf the moſt complete and perfect of any in the whole world.

An arbitrary or military government would have laboured under no difficulties of this kind at all. France would have ruled over the whole continent of North-America, with more

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eaſe and leſs ceremony, than we can over one ſingle province of it. A few brief and ſuccinct forms, together with a good ſtanding army there, would have readily done the buſineſs. But the Engliſh conſtitution is quite of another nature, and proclaims to all a liberty and freedom unknown in other countries. And it is this peculiar excellence of it, which conſtitutes the genuine and true cauſe from whence the preſent difficulties in adjuſting the rights and privileges of our colonies ariſe. To point out, therefore, the moſt effectual and conſiſtent means, for compromiſing the diſputes and differences reſulting from theſe difficulties, is what we ſhould next attempt, but that I muſt firſt proceed, agreeably to the order I have laid down, to inquire, in the third place, whether, although it ſhould be found impracticable, from the nature of our conſtitution, to admit the Americans to the full poſſeſſion of all the prerogatives and privileges of Engliſhmen in the mother country, they ſhould not be allowed ſuch a form of government, as will beſt ſecure to them their juſt rights and natural liberties?

But

But this very inquiry will poſſibly appear quite unneceſſary, if not abſurd to many; yet I cannot help thinking it much more abſurd, to hold that the Britiſh parliament, as it now ſtands, hath an undeniable right to make laws for North-America. Were people conſiderate and impartial enough to make this inquiry for themſelves, it would certainly be quite needleſs for me to make it here for them. For barely to put the queſtion, one might reaſonably expect, to moſt men, a ſufficient anſwer to it. Indeed to maintain this poſition, that it is juſt and equitable for one half of a kingdom, to hold the other half in chains, is what, I believe, few among us are hardy enough openly to attempt, although three parts in four, perhaps, of the whole iſland, are very forward to embrace tenets and maxims ſcarcely more liberal. And it is not unlikely but moſt of thoſe, if not all, who are ſtrenuous advocates for one ſide of the queſtion in England, would immediately veer about, and eſpouſe quite the oppoſite in America. Beſides, what would they ſay, were it put in ſuppoſition that the ſeat of empire were ſhifted over and fixed in America, and England was to be governed upon the footing

of a colony? it is very eaſy to conceive, I think, what in this caſe would be their language. And juſtice requires that we ſhould do by others, as we would, in ſimilar circumſtances, be done by ourſelves. Nay, is it not, let me aſk, moſt egregious folly, ſo loudly to condemn the Stuart family, who would have governed England without a parliament, when at the ſame time we would, almoſt all of us, govern America, upon principles not at all more juſtifiable?

And though they were tied down by their charters to the moſt ſervile and dependent ſtate imaginable, it would, I think, be extremely ungenerous now to make that an argument for continuing them upon the ſame footing. For in my opinion the queſtion ſhould be, not how low we can depreſs them, but how high we can raiſe them without making them abſolute or independent, and conſiſtently with our rights of ſovereignty over them. This certainly is by far the moſt liberal and Chriſtian way, both of thinking and acting in this matter. And whatever is ſo, is ultimately the moſt politic. For the moſt

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laſting empires are always founded in principles the moſt agreeable to juſtice. And their diſſolution is as invariably the conſequence of a deviation therefrom, either in mode or practice. But thoſe founded in violence and oppreſſion are ſeldom durable. Beſides, it can never be deemed a wiſe meaſure by men of the leaſt thought or reflection, to make ſlaves of the Americans, were it a thing ever ſo practicable. So large a body of men, at the devotion of a wicked miniſter, would be very formidable to England. And a people long habituated to ſervitude, and in whom the love of liberty as well as all ſenſe of the juſt value of it, was extinguiſhed, would certainly be the moſt proper inſtruments to reduce others to the like condition. In ſome things indeed we ſeem jealous of our liberty, and even of what we apprehend has the moſt diſtant tendency to undermine it, almoſt to a degree of enthuſiaſm; and yet in others our apprehenſions on this head are perfectly dormant. Where prejudice, paſſion, or ſeeming intereſt are concerned, we are no longer Engliſhmen, wiſe, circumſpect, juſt and generous, but the blind dupes of our own folly; of which our con-

duct, upon the preſent occaſion, is too glaring an inſtance. But to return ——

Now as ſome truths are ſo clear and obvious, that to go about to prove them, is only taking pains to render them ſuſpected, or, what is worſe, if poſſible to obſcure them. Among theſe the object of the preſent inquiry ſhould, I think, be conſidered; I ſhall therefore change the ſtate of it, and proceed to examine in the ſequel, what that form of government is which will beſt anſwer the purpoſes above ſpecified. But, in the firſt place, I muſt beg leave to obſerve that, in my opinion, the Americans found their complaints upon a narrower bottom, than the nature of the ſubject would admit of. For the only grievance they ſeem to be ſenſible of, is the right of taxation, claimed over them by the Britiſh parliament. This certainly is a very important branch of legiſlation, and may be called one of the three principal objects of government. For to this number theſe may in ſome ſort be reduced, *the ſecurity of perſon, property, and religion*, and whoever, therefore, claims a right to diſpoſe of any one's property,

perty, without his conſent either directly or indirectly, claims at the ſame time a right to rob him of the protection of government in one of its principal objects, and indeed conſequentially in two. For an unlimited power to diſpoſe of a perſon's goods may, through wantonneſs or cruelty, be exerciſed to that degree of ſeverity, as actually to cauſe both him and his family to periſh. And though government itſelf, which yet neceſſarily is abſolute, ſhould claim ſuch an authority, under the above predicaments, it would evidently be a government founded in injuſtice. Hence then it appears what alarming conſequences a right of impoſing taxes involves in it. Can it therefore ſurpriſe any one that the colonies ſhould be jealous of this right? or rather would it not be much more ſurpriſing, were they not jealous of it?

However, a right of legiſlation in general over them, they certainly may with equal juſtice and propriety diſpute, ſo long as they continue unrepreſented in our parliament, or ſome other way are not admitted to a due ſhare of power, in making thoſe laws to which they

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are ſubject. For people may be haraſſed or injured an infinite number of ways beſides only in the article of taxing them. But this not being the caſe at preſent, their complaints ſeem to be wholly confined to this one article. To this therefore I ſhall entirely confine my ſubſequent inquiries, and more eſpecially ſince it is not improbable, if a point ſo very material could be adjuſted to mutual ſatisfaction, but it would be leſs difficult to ſettle any other that ſhould ever come to be diſputed.

That every government ſhould ſupport itſelf, is a truth too obvious to be conteſted. And that England has an undeniable right to conſider America as part of her dominions, is a fact, I preſume, which can never be queſtioned. For few empires can produce as juſt a claim to half their provinces, as that of England to her's in America. I will only obſerve at preſent, that it was England, in ſome ſenſe, which at firſt gave them being (excepting only that part of them which was ceded to us by the French) and ever ſince has defended them with her arms, and governed them with her laws. It is therefore but juſt and equitable that they ſhould,

ſhould, in return, contribute a reaſonable proportion for the ſupport of that government, by which they are protected. This they have not as yet the effrontery openly to deny. But the manner of levying ſuch ſupplies is the ſubject in debate.

Now all the ways of raiſing them, which at preſent occur to me, are chiefly four; though each of theſe may perhaps be variouſly modeled. The firſt is by a requiſition, made by the king and his council, of a certain ſum by them fixed, to be raiſed in each province, in ſuch manner as their own aſſemblies ſhall think fit. The ſecond is by a like requiſition made by parliament, and to be raiſed in like manner. The third is by a tax impoſed in the Britiſh parliament, upon its preſent footing. And the fourth is by the ſame authority in conjunction with a general repreſentation therein of the Americans.

The firſt of theſe, however acquieſced in on the part of the colonies, is, in my opinion, by far the moſt exceptionable. For if only a few men, who conſtitute the miniſtry, have a right

to appoint what ſums they ſhall raiſe, and their requiſition is to be indiſpenſibly complied with, they muſt evidently in this caſe be wholly ſubject to miniſterial government, and of courſe to miniſterial tyranny. And that ſuch a requiſition ſhould without reſerve be complied with, is altogether obvious. For ſhould the Americans be allowed herein a diſcretionary power, they will in fact be perfectly independent, and the ſovereignty of England over them will be only a nominal one: becauſe if they are at liberty to chuſe what ſums to raiſe, as well as the manner of raiſing them, it is ſcarcely to be doubted but their allowance will be found extremely ſhort. And it is evident they may, upon this footing, abſolutely refuſe to pay any taxes at all. And if ſo, it would be much better for England, if it were conſiſtent with her ſafety, to diſclaim all further connection with them, than to continue her protection to them wholly at her own expence. However, ſhould ſuch a requiſition as I have here deſcribed be acquieſced in, I know no reaſon we have to object to it.

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The ſecond method I took notice of, was by a like requiſition made by the Britiſh parliament, and to be raiſed and collected in ſuch manner as the provincial aſſemblies ſhall like beſt. This method, however inadequate upon the whole, appears to me much preferable to the former; as in ſo large a body of men, both juſtice and the true intereſt of the empire are more likely to be duly regarded; and therefore they may reaſonably expect the burden will be more equitably laid upon them. Beſides, it is not improbable but ſome who have property among them may ſit in this aſſembly. And it may farther be obſerved, that their proceedings are not quite ſo rapid and precipitate as thoſe of the privy-council, ſo that ſhould it be found unneceſſary, they will have more time to petition or make remonſtrances. For this privilege, the leaſt which a ſubject can enjoy, is not to be denied them, however an ultimate compliance may be inſiſted on as indiſpenſable. And it is likewiſe, let me add, much more probable that their ability to pay taxes, and the true ſtate of their finances, will be better underſtood, as well as their petitions and remonſtrances more ſolemnly canvaſſed: on all

which accounts, and ſeveral others not mentioned, I cannot help giving it much the preference to the former, although I cannot pretend to recommend either.

And of the impropriety of the third method above pointed out, the Americans ſeem abundantly ſenſible, as appears from their conduct on occaſion of the late *ſtamp-act*, the repeal whereof looks ſomewhat like an acknowledgement of the ſame thing on the part of the Britiſh parliament. For if that act was in itſelf juſt and equitable, though in its circumſtances not quite convenient, means might have been eaſily diſcovered to remove theſe difficulties, without a total repeal of it. For if it was only oppreſſive, as impoſing too heavy a tax, or productive in its conſequences of ſome unneceſſary trouble; to theſe ſurely proper remedies might have been applied, and yet its eſſence ſtill preſerved. But here the chief ſtreſs of the complaints made againſt it was not laid; but the inequitableneſs of it in its full extent, is what the colonies principally objected to it. The Britiſh parliament, they urged, exerciſed an authority they had naturally and conſtitutionally

tionally no right to. And a law, deriving its exiſtence from ſuch an authority, muſt neceſſarily, in reſpect of thoſe it is impoſed upon, be inequitable and arbitrary. And this the parliament, in repealing it, notwithſtanding all their declarations and reſolutions to the contrary, ſeem tacitly to have acknowledged. But this ſtill is the grand point in debate, which I fear cannot be very eaſily adjuſted. That there are a great many perſons of integrity, worth, and character on both ſides of the queſtion, cannot be doubted. But the misfortune is, they are not all quite ſo cool and diſpaſſionate in their inquiries as might be wiſhed. Moral truth, upon which juſtice is founded, is generally obvious to the meaneſt capacity, and never lies more out of ſight, than when concealed by prejudice or paſſion. And to have their judgments biaſſed by either of theſe, or both, is what falls ſometimes to the lot of all men; and is therefore what all men ought to be the more ready to excuſe or pardon in each other.

My own ſentiments, touching this point, are ſufficiently evident from what I have already

ſaid upon it. And whoever conſiders it with the ſame impartiality and diſintereſtedneſs, will not, I believe, find himſelf in the reſult widely to differ from me. For, as to my opinion herein, I would obtrude it upon no one, but only deſire it may be fairly examined, and as fairly confuted before it is rejected or condemned. And if I ſeem to be an advocate for the Americans, it is for no other reaſon but purely becauſe I think myſelf an advocate for truth. For ſurely I ſtand as unconnected, with reſpect to that people, as any man in the kingdom. I know of no other intereſt to influence me in this cauſe, but the intereſt of humanity. And the queſtion with me is not ſo much what the rights of the Americans are in particular, as what the juſt and natural rights of all mankind are? and liberty in the utmoſt latitude that government can ſecure it, is the undoubted birthright, my reaſon tells me, of every man, till he has forfeited it. And this forfeiture, on the part of a whole nation, it is quite impoſſible to incur. For at leaſt children, whereof all nations in part are compoſed, while too young to violate any law, muſt neceſſarily be exempted. Beſides, to ſuppoſe, that of thoſe grown to

maturity

maturity none at all, or only few are innocent, is to put a caſe ſo extravagant, as not to be paralleled in hiſtory, if I am not miſtaken.

But to think that any people can be free, while ſubject to laws they are no way conſulted in making, is ſuch an abſurdity as few, I believe, in their own caſe, would not readily diſcover: and common honeſty requires that we ſhould as readily acknowledge in the caſe of others. Let us, though but for a moment, conſider ourſelves Americans, and I more than preſume we ſhall be of this opinion. For as nothing will better aſſiſt us to view each ſide of the queſtion in the ſtrongeſt light, ſo nothing will better aſſiſt us in forming an impartial judgment of it. Nor, again, is it at all more rational to maintain that that people are repreſented in the Britiſh parliament as it now ſtands. An equal repreſentation, indeed, is a thing ſcarcely practicable, and what England herſelf cannot boaſt of; but the Americans cannot properly be ſaid to have the ſmalleſt ſhare in it. The weight their trade and commerce with us may give them, deſerves not to be mentioned on this occaſion. For that is no more than

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what any country in Europe, in ſome degree might have. And who durſt ſay, that Holland, for inſtance, is repreſented in England?

But thoſe who maintain our right of legiſlation over them, do it chiefly, if not wholly, I ſuppoſe, becauſe they ſee the neceſſity there is, in order to an unity of government, that ſuch a right ſhould be veſted in us. An unity of government, it is true, is neceſſary to an unity of empire. But beſides that this perhaps may be otherwiſe effected, than at the expence of the juſt birth-right of our fellow-creatures; yet were it only to be accompliſhed by ſuch a violation, I am perfectly at a loſs how to demonſtrate the equity of ſuch a procedure, unleſs it can be fully proved that the ſafety of the ſtate can be ſecured by no other means. For nothing leſs can juſtify it. And the preſent caſe, I think, includes no ſuch extremity. For whatever reaſons we have to conſider the retention of our ſovereignty over them as indiſpenſable; yet with me it is by no means a maxim, that we cannot otherwiſe ſecure that ſovereignty, than at the expence of their natural rights. And if this may be really done, it moſt certainly

tainly ought. For I ſee no reaſon why conſcience, truth and juſtice ſhould be leſs regarded in national acts than private ones. And I do not at all think myſelf the only caſuiſt that would argue in this manner. Nor is the practice of other ſtates, on ſimilar occaſions, nor yet our own of whatever ſtanding, by any means ſufficient to juſtify an action in itſelf wrong. And ſurely to claim and exerciſe an authority we have naturally no right to, is an action in itſelf as wrong as any, I think, that we can put in ſuppoſition. But this, I preſume, in general, will be granted, and yet perhaps denied in the particular caſe before us. Our right of legiſlation over the Americans, unrepreſented as they are, is the point in queſtion. This right is aſſerted by moſt, doubted of by ſome, and wholly diſclaimed by a few. But to put the matter in a ſtronger light, the queſtion, I think, ſhould be, Whether we have a general right of making ſlaves, or not? the affirmative of it I ſolemnly proteſt againſt, although I ſhould be reputed for it the very worſt politician that ever preſumed to make his ſentiments public.

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But, on the other hand, it muſt be confeſſed, that under governments, in themſelves very imperfect, juſtice may be duly adminiſtered, and order preſerved. For, were not this the caſe, there would be little either of juſtice or order in the world. And the Americans may be treated with as much equity, and even tenderneſs, by the parliament of Great Britain, as by their own aſſembles. This, at leaſt, is poſſible, although perhaps not very probable. Beſides, our diſtance from them is ſuch, as muſt inevitably diſqualify us to be altogether as good judges of what grievances they may labour under, or of what ſupplies they can afford to raiſe, as they themſelves. It is every one's own feelings can beſt inform him wherein he is aggrieved or diſtreſſed. And this is the caſe of every nation, as well as of every individual; and therefore none ſhould be excluded a proper ſhare in their own government.

And it may be further obſerved, that the diſſolution of an empire, is not always to be conſidered as inevitable, where ſome parts thereof are poſſeſſed of a power, by no means conſiſtent with that unity of government I have been

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ſpeaking of. Nay it is poſſible that ſuch a power may never be found productive of any great inconvenience. To this purpoſe the caſe of Ireland, as forming a part of the Engliſh dominions, may be readily inſtanced. For the power of parliament in that kingdom, to reject and throw out money-bills, as well as their very extenſive authority on other accounts, muſt certainly be acknowledged as not quite conſiſtent with this unity. Here, moſt undoubtedly, is a great defect in point of theory; and yet the inconveniences ariſing therefrom, in practice, have been hitherto by no means conſiderable. Nor can it be denied but moſt governments, in ſome reſpect or other, are extremely defective, although perhaps not very many in the particular now mentioned; as deſpotic ones, which are by far the moſt numerous, are ſeldom exceptionable on this account. But the truth of the matter is, it is not ſo much the beſt form of government, as the moſt exact and regular adminiſtration of juſtice, that moſt effectually faſtens together the different parts of an empire, whereon the ſtability and duration of it muſt ever neceſſarily depend. And it is ſeldom that the people abuſe

the power they are poſſeſſed of to their ruin, but only when they have received very heavy provocations to enrage them, from the exceſſes of their governors. And the moſt perfect model of government in the world, where according to it juſtice is not duly adminiſtered, is no ſecurity againſt the outrages of the people.

But, after all, it muſt be confeſſed, that the moſt perfect form thereof is ever the moſt eligible. For the rights of mankind can never be too well guarded. And it is under this ſort of government they certainly ſtand the beſt chance to be leaſt invaded. I know no reaſon therefore why we ſhould think ſo very hard of the Americans, only becauſe they are ſo ſtrenuous to have theirs eſtabliſhed upon this footing, and becauſe they are ſo unwilling to ſubmit to the mode of taxation here propoſed, which ſeveral, even among ourſelves, have not the higheſt opinion of.

I could therefore moſt heartily wiſh, that the fourth and laſt above-mentioned, was as convenient and practicable, as it is juſt and equitable. To convene indeed our colonial repreſenta-

ſentatives at London, would certainly be attended with very great, though I dare not ſay quite inſurmountable, difficulties. To the equity of this meaſure the Americans themſelves, I preſume, could have nothing fairly to object. However, it would not be extremely eaſy perhaps to ſettle the number of members to be ſent by each province. But yet this buſineſs, I make no doubt, might in time be adjuſted. But the inconveniences, ariſing from the diſtance they lie from us, are perpetual, various and complicated. As to thoſe, indeed, which attend only the chuſing a new parliament, they may perhaps, by proper means, be conſiderably leſſened, although not wholly removed. It is true, if our parliaments were annual, as they ought to be, they would rather increaſe; but even then they might, I believe, be in a great meaſure remedied. But ſhould the king, at any time, be diſpoſed to diſſolve his parliament, and convene a new one, as hath been often done, only on a few weeks notice, this, upon the above footing, could not be effected. And yet, I believe, a variety of caſes might occur, wherein this may be proper, if not neceſſary.

But were the duration or diſſolution of parliaments fixed wholly to ſtated times, a thing, by the bye, not at all to be wiſhed for, the difficulties upon theſe occaſions would not certainly be quite inſuperable. The method however of examining and deciding conteſted elections when neceſſary, muſt undoubtedly, with reſpect to America, be ſet, in a great meaſure, upon a different footing from that at preſent practiſed in this kingdom. But to ſketch out a plan for removing theſe or the like difficulties, is not within my preſent deſign, as it is not in the leaſt, at this time, probable, that an American repreſentation will ever be convened in England. But there are other difficulties, which, in my opinion, form a much more conſiderable objection to this ſcheme; that whenever the colonies ſhall have occaſion to have a recourſe to parliament, for their intervention in more particular provincial buſineſs, as from the nature of things they often muſt, their diſtance from it will render it in a manner impracticable. They will be almoſt wholly excluded the benefit of private acts, by reaſon of the immoderate expence, both of time and money they muſt be at to procure them.

And

And yet applications to parliament for ſuch purpoſes may often become neceſſary. Beſides, there may be an infinite number of occaſions, reſpecting matters of a more public nature, ſuch as the repairing of high-ways, making rivers navigable, and cutting canals, with a variety of other things of the like kind, wherein recourſe muſt be had to parliament, and yet the expence be ſupported chiefly, if not wholly, by private perſons. But in either caſe it will be a conſiderable burden, and as conſiderable an objection to all undertakings of that ſort. And the delays in buſineſs occaſioned by ſuch long voyages, as thoſe from America to England, muſt greatly retard it, and no leſs diſcourage thoſe who are concerned in it. Beſides, when at any time it ſhould become neceſſary, as it often happens, to produce witneſſes, in ſupport or proſecution of any cauſe, America lies at ſuch a diſtance as ſcarcely to admit of it. Therefore, upon all theſe, and many other very ſimilar accounts, I can only conſider this ſcheme as barely practicable. However, ſhould the Americans prefer it to any other, as it is an eſtabliſhment they have, I think, an undoubted right to, I know not

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how we can, in conſcience, debar them of it. But if they could be otherwiſe ſatisfied, with any conditions that we can ſafely grant them, this mode of compromiſe, which may be juſtly termed the *dernier reſort*, may as well be waved, as it cannot be effected, it is evident, without immenſe trouble.

And now, ſince each of the methods above propoſed, is pregnant, as we have ſeen, with a variety of difficulties, hardſhips and inconveniences, it may here be aſked, what meaſure then upon the whole is moſt eligible, and ſtreſt to be purſued on the preſent occaſion? But to give a plain and deciſive anſwer to this queſtion, is, perhaps, the greateſt difficulty of all. And though I may not be able rightly to ſolve it, I cannot conſider the above remarks as wholly uſeleſs, if they only ſerve to point out, and convince the public of this very difficulty by a proper explanation of it, and ſo diſpoſe them, at leaſt, to be a little leſs cenſorious towards all parties concerned in this very intricate buſineſs. For it really is, in my opinion, as arduous and important a queſtion, as ever the Engliſh government was engaged in.

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And if they ſhould be divided in their ſentiments upon it, and uncertain what meaſures to adopt and follow, it cannot be matter of juſt wonder or cenſure.

But it muſt be confeſſed that in all our tranſactions with the world, the temper and diſpoſitions of thoſe we have to deal with, is generally the beſt index to point out the meaſures moſt proper to be purſued upon any occaſion. But that they ſhould never be in themſelves unjuſt, I need not here obſerve; and the trueſt policy, I am very certain, is ever founded in the ſoundeſt morality. Beſides, the Americans, as they muſt inevitably lie under ſome very conſiderable inconveniences, have, I think, if they are not permitted to be repreſented in our ſenate, a right of chuſing what mode of government they ſhould beſt like, provided it be not inconſiſtent with the ſovereignty of England over them. For what England ſeems chiefly to have a right to dictate is, that they ſhall continue in ſubjection to her, and form a part of her dominions, upon the footing of her own laws and conſtitution. The one, I think, ſhe has a right to command;

command; and the other they have a right to claim. But if leſs rigid terms are agreed or conſented to on either ſide, it muſt be conſidered as matter of favour and indulgence. As for example, if England ſhould grant the Americans the ſame conditions as the Iriſh now enjoy, in reſpect to the article of levying taxes, it ſhould be deemed only as matter of grace, to be reſumed at pleaſure. And cuſtom, of however long a ſtanding, can never convert it into matter of undeniable claim. And again, ſhould the Americans conſent to be taxed in the Britiſh parliament upon its preſent footing, it is ſuch a ſubmiſſion as cannot be equitably inſiſted on, they having always a right to be repreſented in the aſſembly they are taxed by, or which forms the popular branch of their legiſlature.

Theſe appear to me to be true limits of right and equity on either ſide. And here may eaſily be found a criterion, whereby to judge of the claims and conceſſions of both parties. To be placed upon a level with the reſt of the ſubjects of the Britiſh crown, is the utmoſt the colonies can challenge. And to

refuſe

refuſe them this, is more, I believe, than can be rightly juſtified upon the principles of common honeſty. But ſuppoſing this were quite impracticable, and either party muſt neceſſarily make abatement, ſeveral reaſons, and very plauſible if not ſolid ones, may be urged, why this ſhould be done on the part of the colonies. For although the common rights of mankind ſhould, with the utmoſt tenderneſs, be preſerved inviolate; yet there may be occaſions whereon they may be fairly and juſtifiably abridged. Indeed ſomething of this kind, with reſpect to individuals, is congenial to the very eſſence of all government. For every member of a regular ſociety is ſuppoſed voluntarily, for the ſake of the common good thereof, to reſign ſome portion of the rights and privileges wherewith nature has inveſted him, into the hands of thoſe, who may be expected to uſe them with more impartiality and diſcretion. Thus every man is naturally conſtituted ſole judge in his own cauſe; a prerogative which yet government permits no one to exerciſe, as it would be deſtructive of the very exiſtence of it, as well as of that of ſociety. In the ſame manner and for the ſame reaſons,

the Americans might be juſtly diveſted of ſome portion of their natural claims, if government cannot be ſupported upon more equitable terms, or at leaſt if it ſhould be dangerous to England, to allow them the enjoyment of a more unlimited power. I do not ſay that we have a right to ſubjugate any people, only becauſe they are troubleſome; but if they are truly dangerous we certainly have. Nor yet is it at all warrantable to abridge the juſt liberties of any country we may poſſeſs ourſelves of, merely becauſe we cannot otherwiſe maintain our ſovereignty over it, unleſs our ſafety were actually at ſtake, and abſolutely required it.

But the caſe, perhaps, may be in ſome degree altered, when ſuch country is planted by our own natives, and eſpecially at our own expence; or indeed by any people whatever, who were previouſly well informed of the nature of the grant, and the terms whereon they were to occupy it. Thus they who firſt migrated from England to ſettle in America well knew, I preſume, they were ſtill to continue the ſubjects of the ſame government. And if

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their charters were not ſo explicit as they ſhould have been, in regard to ſome particulars they believed they had a right to; yet ſtill they could only claim the moſt favourable conditions the nature of things would admit of. They knew they were not to be independant: but if they were really more ſtrictly tied down by them than there now ſeemed to be occaſion for, I fairly confeſs, that ought to be no argument, in my opinion, for debarring them of better terms. For no one, I imagine, would doubt, if their charters granted them an inconſiſtent power, but they might be juſtly cancelled, as no government can be ſuppoſed to alienate prerogatives neceſſary to its ſafe exiſtence. Therefore equity, at leaſt, would dictate to us the like procedure in the oppoſite caſe, it being juſt as reaſonable to aboliſh all unneceſſary limitations on the one hand, as it would be to augment and multiply them on the other. However, a right of ſovereignty in this caſe, we may undeniably claim and vindicate: and though we might ſafely grant them abſolute independency, yet whatever generoſity might ſuggeſt, juſtice does not ſeem to require it; notwithſtanding the terms of ſubmiſſion might

be ſomewhat hard. But this, in acquiſitions of another nature, would not, perhaps, be quite ſo defenſible.

Now, our title and pretenſions to all our American provinces are of that ſort that ſeem fairly to juſtify our aſſerting and preſerving our ſovereignty over them, although at the expence of ſome portion of their natural prerogatives. They partly conſiſt of our own plantations, and partly of the conqueſts we have made from a nation, in whoſe hands it would have been dangerous for us to have them continued. In both which caſes we have the moſt unexceptionable right to keep them upon ſuch a footing as will beſt conſiſt with, and ſupport our government. And had we, indeed, the generoſity to declare them independent, as finding that our keeping them muſt inevitably ſuperinduce a neceſſity of abridging their natural liberty, yet this would not be conſiſtent with our ſafety. They would immediately fall a prey to the French, and, of courſe, would be ſuch a weight in their ſcale, as might contribute not a little to endanger, if not overturn the liberty of all Europe. For it would help

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to give them the maſtery of the ſeas, which ſeems to be the only thing that more peculiarly humbles, and keeps them within their preſent bounds. Our very being, therefore, at leaſt as a free people, depends upon our retention of them: nor is it the intereſt of any one nation whatever, who have the French for their neighbours, that it ſhould be otherwiſe. Much leſs then is it the intereſt of the Americans themſelves, as they would ſoon be made ſenſible of the difference of the two governments. The Gallic yoke they would experience to their coſt, is not ſo eaſily borne. They are now treated as children, their complaints are heard, and grievances redreſſed; but then they would be treated rather as ſlaves, having the ſwords of their maſters perpetually held at their throats, if they ſhould preſume to offer half the indignities to the officers of the French crown, which they have often, with impunity, done to thoſe of the Britiſh.

At preſent they enjoy, in general, the full benefit of the Engliſh laws and conſtitution. Nay, they have aſſemblies of their own to redreſs their grievances, and regulate their polity.

lity. Therein they exerciſe an authority little inferior to that of the Britiſh parliament. And indeed what they ſeem to ſtruggle for is, to be ſet upon a footing equal to it. And if that ſhould be done, what marks of ſovereignty will they allow us to enjoy? What ſort of claim will they indulge us with? Only, I ſuppoſe, a mere titular one. And, if ſo, would they then expect that we ſhould ſtill protect them with our forces by ſea and land? Or will they themſelves maintain an army and navy ſufficient for that purpoſe? This they certainly at preſent are not able to do, if they were not ſheltered by the wings of Great Britain. And to contribute a reaſonable proportion for this purpoſe is all we require of them. This, indeed, they will ſay, perhaps, they are not unwilling to do, if they are allowed to do it as an act of their own; nor ſhould that privilege, in my opinion, be refuſed them, if they are not permitted to be repreſented in England: for this alternative ſhould certainly be left to their option: and for ſuch a meaſure I have been all along an advocate. For as the inconveniences, ariſing from ſuch a repreſentation muſt almoſt wholly fall to their ſhare,

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it is what we may with the leſs reluctance grant, as we can with the leſs propriety refuſe them: nor is there any reaſon to apprehend that they ſhould be at all formidable to England, as their number might be properly limited, as thoſe of Scotland were at the union.

But here I am arguing upon a ſuppoſition of the abſolute impracticability of this meaſure. Upon this view of the point in queſtion, I ſtill inſiſt that the Americans, no leſs than the Engliſh, ſhould contribute a due proportion for the ſupport of government; yet this again they may poſſibly affirm that they actually do. But here, in order to an impartial deciſion of this caſe, we want a proper criterion to judge by: for an exact eſtimate can ſcarcely be made of what expence their protection ſtands in to Great Britain. Beſides, we can certainly afford to protect them at leſs expence than they could afford to protect themſelves, were they either ſo many independant ſtates, or only one general community. For the ſame forces it would be neceſſary for us to keep on foot, upon our own proper account, may ſerve in a great meaſure to guard them likewiſe. However, it

is not a very inconſiderable addition thereto we are obliged to make, merely for their defence. And this, at leaſt, they ought to maintain. But if they ſhould argue that theſe forces may be ſafely reduced, and conſequently the expence of ſupporting them; this is little to the purpoſe. For though their remonſtrances, upon all occaſions, ſhould be candidly heard, and duly regarded, yet, in the laſt reſult, England is ſtill to form her own judgment, and is not to be dictated to by her colonies: for ſhould that be the caſe, it is no longer England, but her colonies, that govern. And, beſides, they are juſtly chargeable with a certain portion of the *civil liſt*; for this moſt indubitably conſtitutes a part of government. How this article, at preſent, is managed in England, is not now my buſineſs to inquire: but certain it is, that in all regal governments it is indiſpenſable, unleſs an equivalent proviſion is otherwiſe made, for the king's maintenance and private charges, by an allotment in lands, or ſome ſuch other property; which, by the bye, would give him ſuch a weight in the ſtate, over and above that neceſſarily reſulting from his prerogatives, as in the eſtimate of many, perhaps, were ſcarcely to be

wiſhed

wiſhed for. And even in commonwealths the pomp of government, if I may ſo call it, is unavoidably attended with expences, and not inconſiderable, of a ſimilar nature. It is therefore but reaſonable that the colonies, as they are part of the ſtate, ſhould bear their ſhare of theſe, as the neceſſary charges of it. Were they obliged to do ſo, I ſee no reaſon they ſhould juſtly have to complain.

The immenſe taxes which England pays are known to all. It is not indeed very eaſy to calculate what proportion of a man's labour, or how much of his wages ſhould be conſidered in this light; but certainly it is extremely large. America, however, is not in a condition to pay the taxes that England does, as not having the ſame advantages; yet ſurely if an Engliſhman works one day in the week, let us ſuppoſe, for the public; an American, I ſhould imagine, may afford to work on the ſame account, at leaſt one day in a fortnight. There are obvious reaſons for a conſiderable lenity in favour of the Americans; becauſe an infant colony, circumſtanced as ours is, lies under many diſadvantages. For they have land

to clear, houſes to build, roads to make, fences to erect, trees to plant; and, in ſhort, every thing that can be imagined for converting a wilderneſs into a habitable country. And beſides, all this is to be done in oppoſition to a variety of difficulties, which, though each by itſelf may ſeem ſcarcely to merit notice, yet taken collectively, are by no means inconſiderable. Tools and engines, for inſtance, are ſeldom ſo conveniently fabricated there, as in a country antiently inhabited, wherein generally artificers, in all the more neceſſary branches are commodiouſly ſituated. The diſtance of their reſidence likewiſe, as it often happens, from the ſpot they cultivate, is another impediment to their diſpatch of buſineſs. But it would be endleſs to enumerate them all. This, however, is by no means the univerſal ſtate of our plantations. In many parts they are little, perhaps, or nothing at all inferior in reſpect of theſe conveniences, to the mother-country. Yet after all, if it appears right to us to extend our colonies, it ought to appear no leſs right to us to give them all due encouragement. And one way of doing this, moſt certainly is, not to be over-rigorous in taxing them. For heavy

taxes

taxes are heavy oppreſſions, although, as far as they are abſolutely neceſſary, however burdenſome, they ſcarcely deſerve the appellation; for their being neceſſary is ſufficient to juſtify them. Yet they ſhould not be wantonly accumulated, as nothing more emphatically depreſſes a ſtate, or diſcourages improvements. In Moleſworth's hiſtory of Denmark, I think, it is ſaid, that in a certain northern province of that kingdom, the lands were ſo highly charged, that the peaſants petitioned the king's acceptance of them fully and wholly to himſelf, rather than pay the taxes impoſed upon them; which, however, he did not care to do, as well knowing they could not poſſibly be of any uſe to him, any farther than they were cultivated. And thus any country may be equally diſtreſſed by exceſſive taxes.

How far this would have been really the caſe, in reſpect of America, if the late *ſtamp-act* had taken place, is more than I can tell. It was indeed complained of as enormous, although it was not here the capital objection againſt it was grounded. But this, perhaps, is

not quite clear. For although, on the one hand, the Engliſh may be conſidered rather as incompetent judges; all that the Americans are pleaſed to ſay on the other is ſcarcely to be admitted always for fact, eſpecially in a matter where intereſt may juſtly be ſuppoſed to have ſo much influence. Yet it muſt be granted, that they know beſt the ſtate of their own finances, and what taxes they can afford to pay; in the impoſing whereof there are ſome circumſtances which merit attention, that, in regard to the act above-mentioned, may not perhaps have been properly conſidered. And, in particular, due reſpect ſhould be had, to the difference of the value of money in both countries. Of this difference I do not pretend to be a perfect maſter, although it may be eaſily aſcertained. Indeed what quantity of ſpecie they have circulating among them I know not; but from a variety of circumſtances, I have reaſon to conclude they are, in this point, by no means upon a level with England. And therefore it is poſſible that ſix-pence additional duty upon any article among them, may be equal to a much larger ſum with us. But, admitting the difference

ference were only as one to ten, or even less; yet I still think that, in cases of this nature, it is a conſideration that ſhould not be left wholly unregarded.

But there is an advantage to be derived from this very difference, were the point carried to all the nicety it would admit of. For were it really material, a proportionable reduction might be made in the pay of the forces ſtationed in that country;—but this is a saving I would by no means recommend. It would, on many accounts, be cruel to attempt it, unleſs it were only among the provincials. But even among them, it is probable it would prove a meaſure highly imprudent, if not worſe; for I know of no greater folly than to render, as it might, any part of our forces diſaffected.—But, to proceed.

Whatever lenity her colonies may be entitled to from England, whether on the above accounts or any other, it is very certain that England is entitled to a great deal of gratitude from her colonies. They cannot be ignorant that if it had not been for the Engliſh they muſt have

have been long ſince ſwallowed up by the French; and what their condition muſt then have been, they may eaſily judge. That the late war was chiefly kindled, and carried on upon their account, can ſcarcely be denied: and the many millions of debt which we have thereby contracted, as well as the immenſe number of lives therein ſacrificed, are not matters of ſo very little moment as not to deſerve to be conſidered. But they will object, perhaps, that all this while it was our own ſafety and benefit we had ultimately in view. Yet this very objection, it is not impoſſible to convert into an argument in our favour. For if it were only or chiefly our own ends we had in view, and they, knowing that, joined with us in the ſame cauſe, is it not an evident proof how favourable an opinion they, at that time, entertained of them? If then our views were really unjuſt, why did they co-operate in ſupport of them? But if they were juſt, why will they now go about to fruſtrate them, by the ſteps they ſeem to take to ſhake off our ſovereignty? For if this ſhould happen, theſe views will be abundantly defeated: and our peace and ſafety, inſtead of being ſecured, will become

come even more precarious than ever. For as ſoon as they are no longer dependant upon England, they may be aſſured they will immediately become dependant upon France. And their weight in that ſcale is what all Europe beſides have reaſon to dread.

But could they really ſupport their own independancy, we are by no means ſure whoſe friends they would be in caſe of a rupture. And whatever reaſons there might exiſt to diſpoſe them in our favour, in preference to the French; yet how far theſe would operate, no one can pretend to ſay. For we have ſeen the Dutch, very lately, ſiding with the French, their inveterate enemies, from whom they have every thing to fear, againſt the Engliſh their ancient allies; to whom in ſome degree they owe their very being. And this alone is ſufficient reaſon for us to be jealous of our ſovereignty.

But evident it is, that, whatever benefit England might propoſe to herſelf in the proſecution of the late war, the colonies themſelves have been incomparably the principal gainers by it. Now they enjoy a peace and tranquillity, which they

they ſcarcely ever knew before. And if they have any thing to fear, it is chiefly from the Indians, their neighbours, whoſe outrages they have often too juſtly provoked. And the diligence wherewith our government has protected them from inſults and rapine, as well from that as every other quarter, ſeems, in theory at leaſt, to demand ſome degree of gratitude. But as I have all along in the former part of this eſſay, allowed and defended the juſtice of their claims, it may here be queried, wherein then are they to be condemned? It is not indeed for their jealouſy of their rights and liberties, but for their riotous and ſeditious manner of aſſerting them. Beſides, England, on her part, has much to ſay on this occaſion, to juſtify her conduct. She is conſcious ſhe has a right of ſovereignty over them, which perhaps may not be quite ſo eaſy to maintain, when the point in diſpute is given up. And this ſovereignty ſhe well knows to be a matter of the laſt conſequence for her to ſupport. Nor am I very clear how much leſs ſhe has at ſtake, in the deciſion, than the Americans themſelves; only it is probable that they would be the firſt ſufferers, ſhould their connection with her ceaſe.

And

And therefore ſhe may well be jealous in her turn, and as tenacious of her prerogatives. For ſhe has a right, and a weighty one, to aſſert, as well as they. And if ſhe had not thought proper to center almoſt all her care, as ſhe has done, upon making the late peace, in procuring them a ſafe eſtabliſhment, and to ſacrifice to it in a manner every other object, ſhe might, at leaſt, expect from them a more decent and dutiful demeanor. Firmneſs and outrage are two very different things; and they might eaſily have ſhewn the former without being guilty of the latter. Nor would they have been at all, I would hope, the leſs likely to be heard for it in the Britiſh parliament. And it ſeldom happens that any one fares the better for his inſolence.

But if they ſhould think it their intereſt to ſet us wholly at defiance, and were able thereby to ſecure ſome points, which England might rather chuſe to give up than conteſt, yet I can hardly conſider it as the moſt conſummate prudence. For if their inſolence ſhould continue to increaſe, as it ſeems to do, in proportion to her conceſſions to them, and nothing

leſs than abſolute independency ſhould content them, it will probably force her upon quite other meaſures; and they themſelves will be the firſt, that ſhall have cauſe moſt ſignally to repent of their conduct. For ſhould matters on all ſides, as I hope they never will, be carried to extremities, I cannot take upon me to ſay but England may yet produce both a miniſtry and a parliament that would rather ſhare them once more with the French, than totally relinquiſh her preſent pretenſions, from a very juſt conviction that ſuch a ſtep would be much more politic than to ſuffer them to throw themſelves wholly into the arms of that nation; and ſuch a meaſure, under ſuch circumſtances, would be abundantly defenſible, however aukward it may ſound at the firſt mention. But I hope they will never be ſo egregiouſly infatuated as to render it inevitable; for if they do, they may very ſoon find themſelves again involved in the ſame ſcenes of bloodſhed and horror, out of which they have but lately emerged. But ſuch an event is dreadful even to think of at a diſtance: nor is it by any means grateful to me to ſuggeſt the idea of it to the imagination, but that, if

duly

duly and ſeaſonably reflected on, it may diſpoſe them to more temper and moderation, without which it is impoſſible for them to act with reaſon and propriety.

It would not be amiſs, perhaps, to aſk them, what bounds they would be content to fix to their claims and demands upon us, as hitherto they ſeem to be at a loſs where to ſtop. And it is but very lately they were pleaſed to make diſtinctions and deſcribe barriers, which they have ſince not thought fit to admit of. It was only their own produce they then objected to our right of taxing; but now, our's likewiſe, it ſeems, is entitled to the ſame exemption in their ports. All this, for my own part, I have candour enough to grant, under the predicaments I have more than once mentioned. For the poſitions I advance are, Firſt, that the Americans, no leſs than the Engliſh, have a right to be repreſented in the aſſembly they not only are taxed by, but wherein the laws in general they are governed by are enacted: Secondly, that the legiſlative power of every kingdom or empire, ſhould center in one ſupreme aſſembly: Thirdly, that, as a conſequence

of both theſe poſitions, the Americans ſhould be allowed, if they ſhould chuſe it, to be repreſented in the Britiſh ſenate: and, Fourthly, that in caſe that ſhould be found impracticable, they ſhould be allowed ſuch an eſtabliſhment, in ſubordination to the ſovereignty of England, as ſhould appear moſt favourable to their rights and liberties. This is the ſyſtem, and theſe are the principles I have all along argued upon and ſupported; but, that they will be objected to by ſome of both parties, I can eaſily foreſee. However, I think they are in themſelves juſt, which to me is ſufficient. And, certain it is, that, in order to a right underſtanding in this debate, it were much to be wiſhed that ſome fixed principles were on all ſides agreed to and eſtabliſhed, whereupon to ground the whole ſuperſtructure of their ſubſequent reaſoning. But this is only to be wiſhed, and not to be expected in caſes of this nature; nor, indeed, were they actually adjuſted, would it probably much mend the matter. For it is not unuſual to ſee people, as intereſt inclines them, draw quite oppoſite concluſions from the ſame premiſes; or, what is ſtill worſe, if poſſible, what is granted at one time, is totally diſavowed or

denied

denied at another, as ſeems to be the caſe of the *New Englanders* in particular, in relation to the buſineſs above-mentioned.

And I muſt freely own, that whatever opinion I may have of their right, I certainly have not quite as favourable a one of their conduct, which often is neither conſiſtent nor prudent. If they are really willing we ſhould exerciſe any acts of ſovereignty among them at all, the impoſition they have ſo riotouſly reſiſted, might not improperly, perhaps, have been allowed better quarter; for it could have occaſioned no further hardſhip than was voluntary, they having it always wholly left to their own choice to buy the commodities ſo charged, or not. Had they quietly ſubmitted to an impoſition of this nature, while they were allowed the full enjoyment of their more important privileges, it would, not improbably, have proved ſuch a compromiſe of matters, as they might never have had cauſe to be ſorry for. Of this, however, I have but little to ſay, only that I am very certain the reſiſtance they have made to it was abſolutely inconſiſtent with the demeanor uſually expected from ſubjects towards their

governors.

governors. Leſs tumultuous proceedings would, undoubtedly, in moſt mens opinions, have been deemed much more becoming: and our government, I ſhould humbly hope, would have paid full as favourable an attention to their juſt remonſtrances.

But unleſs the reciprocal claims and rights, on both ſides, are more duly regarded, and better eſtabliſhed, little elſe than diſorder and confuſion are to be expected; and if they are not ſeaſonably put a ſtop to, it is impoſſible to foreſee what may be the iſſue. The proper bounds and limits of theſe ſhould therefore be fairly adjuſted, as the moſt direct means to redreſs grievances, and to introduce harmony and good intelligence. And were that done as it ought, we might then hope that the colonies, on the one hand, ſhould no longer have cauſe to complain of incroachments on their liberties, on the part of the Engliſh, nor yet the Engliſh, on the other, to complain of the unequal payment of taxes on the part of the colonies; both being equally obliged to do juſtice by each other. And this, were it only attempted with that temper and coolneſs that would permit people to

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diſtinguiſh right from wrong, might be totally effected; although indeed, from the untoward nature of things, not with all the impartiality and exactneſs one could wiſh. Nor ſhould mere cuſtom, nor any charter or law in being, be allowed any great weight in the deciſion of this point; for truth and juſtice, whereon government ſhould ever be founded, and not in power, are prior to all theſe, and therefore ought chiefly, if not ſolely, to be conſulted. Prudence, however, which includes nothing thereto contrary, ſhould no doubt be duly regarded: for upon all occaſions, not only what is in itſelf juſt, but alſo what on each in particular is directly proper, ſhould always be done. And in the determination of this point, prudence ſeems principally concerned; the dictates whereof more eſpecially ſhould be attended to, in framing our conduct in regard to what I am here going to mention, I mean the poſſibility, or rather probabily there is, that the Americans may inſiſt upon the ſame rights, privileges, and exemptions as are allowed the Iriſh, becauſe of the ſimilarity, if not identity, of their connections with us. Hence it may be thought hard, perhaps, that in a caſe, in appearance

pearance circumſtanced ſo much alike, our conduct ſhould not be alike too. Indeed were this real fact, there might ſtill exiſt very ſolid reaſons for a difference of conduct; but the truth is, their caſe, in my humble opinion, is, on ſome accounts, far from being ſo very ſimilar. I will ſay nothing of our original claim to either country, but that it is full as good as the world in general, in matters of this kind, can produce. But if any diſtinction were to be made, moſt certainly, of the two nations, the Americans are leaſt entitled to any lenity on that ſcore; and yet I believe moſt people are of opinion, they have been hitherto, by far, the moſt favoured.

But, in matters of this nature, England ſeems to have a diſcretionary power, which, however, ſhe has no juſt power to exerciſe inequitably, as I hope ſhe never will; and the terms ſhe may think ſafe and proper to grant the Iriſh, ſhe may judge full as dangerous and imprudent to grant the Americans: for as they lie at ſuch a diſtance from us, they may have it much more in their power to create diſturbances with impunity; becauſe, long before we could ſend among them

them any conſiderable number of forces, they might do a great deal of miſchief, if not actually overturn all order and government. But this is not ſo very exactly the caſe with reſpect to Ireland, which lies almoſt contiguous to us. Theſe, and ſeveral other reaſons might be offered, why the ſame meaſures, in regard to both nations, might not be altogether alike convenient and adviſeable. I do not, however, deliver it as my fixed opinion, that they ſhould be placed upon a leſs advantageous footing than the Iriſh, if their conduct doth not evidently render that unſafe. But I only mention theſe as obvious arguments why ſuch ſeeming partiality may poſſibly, in fact, be no more than what ſtrict juſtice admits, and ſound policy requires. Rigorous meaſures I certainly am no advocate for, in matters of government more particularly, excepting only when they become altogether indiſpenſable: for nothing leſs than abſolute neceſſity can juſtify them.

And if the Americans, at this time, would, in any tolerable proportion, contribute their quota of taxes, and otherwiſe ſhould demean

themſelves as dutiful and loyal ſubjects, I am not the only perſon, I ſuppoſe, that would chuſe rather to ſuffer their antient eſtabliſhment, however imperfect, to remain undiſturbed, than oblige them to any innovations, at the expence of an open rupture. But government, however, is not to be trampled on; and a proper degree of firmneſs is no way inconſiſtent with the moſt perfect lenity. Yet while we expect every thing from them, we ought carefully to ſee that we, on our part, are not wanting. Whatever juſtice is due to us, is due to them too. If they ought to ſupport the expence of government, as well as we, they ought alſo, as well as we, to enjoy the full benefit of that government; and, if we inſiſt upon the former, they, in their turn, may juſtly inſiſt upon the latter.

And the utmoſt of their claim, upon this ground, can amount only to a proper repreſentation in the Britiſh ſenate. This, I believe, if they aid to obey the laws enacted there, they have a clear right and title to, unleſs it can be fairly proved they are unworthy the

ſame privileges and advantages, as we of this nation enjoy. But this, I preſume, cannot very eaſily be made to appear; and therefore I conclude this claim to be good. But if they ſhould wave it, as impracticable, it would not, I conceive, be improper to grant them the benefit of their own aſſemblies, upon their preſent footing, allowing their acts to be only of force, while not declared otherwiſe in that ſuperior one of Great Britain. Hereby an union of government might perfectly be preſerved, and the colonies, at the ſame time, allowed all the advantages the nature of their ſituation would admit of. But, if nothing leſs than abſolute independency ſhould content them, I am ready, for the moſt important reaſons, to join in whatever meaſures ſhall appear moſt juſtifiable and proper for fruſtrating their views, and aſſerting our own claims; for England muſt either maintain her ſovereignty, or hazard her ſafety.

With theſe brief obſervations, I ſhall at once cloſe this ſhort eſſay, and take leave of my reader, to whom, I preſume, my ſentiments in general, upon this ſubject, will appear, if not

altogether juſt, yet perfectly humane, liberal, and friendly to the common intereſts of mankind. For I am not conſcious to have advanced a ſingle poſition throughout the whole of a different tendency. However, if I ſhould be found to be miſtaken, I deſire no better quarter than the humane reader may think I merit.

FINIS.

20 JY 63